

Remarks

The specification is amended as required in ¶ 2 of the Office Action.

Claim 1 is amended as required in ¶ 3 of the Office Action.

Claim 9 is amended as required in ¶ 4 of the Office Action.

Claims 1, 2, and 5-11 remain herein for reconsideration.

A clean version of all the claims is submitted.

Response to the Rejection of Claims 9-11

The correction to the Specification adding “single” should place claims 9-11 in condition for allowance which is respectfully requested. The word “piece”, originally found in the specification, is of itself dictionary defined as a single unit in and of itself. Besides, the cross section of Fig. 3 shows a single piece 28.

It is believed the examiner fails to appreciate the novelty of the “flexible”, “single piece” claimed. The remarks in applicant’s previous response are incorporated and not repeated herein.

The Examiner’s comment in ¶ 10, “...that the specification states no critical nature of the flexible material comprising only a single layer of fabric material” is in error. The Patent Laws require in 35 U.S.C. 112 only:

“...a written description of the invention, and of
the manner and process of making and using it, in such full,
clear, concise and exact terms as to enable any person skilled in
the art to which it pertains....to make, and use the same...”

There is no requirement of statements as to the “critical nature” of an element.

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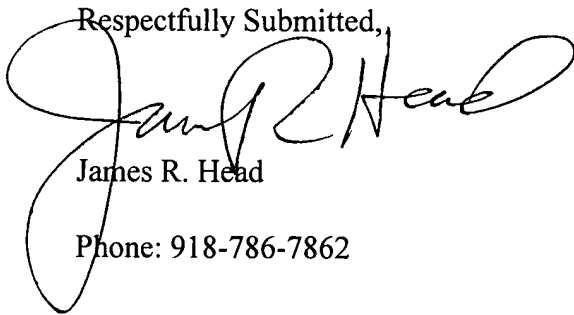
Notwithstanding that, it's quite clear from the disclosure that Applicant's purpose is to provide cooling by the free flow of air under the "flexible" fabric that is "loosely fitted" (second ¶, page 4) over the arm.

To equate Faison's "two outer covers 1, and 3 along with the cotton batting liner 2, as equivalent to a single piece is believed to be in error.

Reconsideration and allowance is requested. In the alternative, admission for purposes of appeal is requested.

Applicant's attorney is always available to discuss the case with the Examiner.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "James R. Head". The signature is stylized with large, flowing loops and is positioned over the printed name and phone number.

James R. Head

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